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LRL Law

To: Central Facsimile From: Thomas E. LaGrandeur  
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Phone: Total Pages (including cover): 4  
Date: October 5, 2004  
RE: Response To Restriction Requirement  
Serial No.: 09/937,636  
Our Ref.: X-12652 US

Faxed herewith is the response to the Office Action dated August 5, 2004 along with the Fee Transmittal Sheet requesting a one-month extension.

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Answers That Matte

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<u>Ethel Gaines</u>	<u>10-5-04</u>
Signature	Date

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Eric Wen Su, et al.	)	
Serial No.:	09/937,636	)	
Filed:	January 22, 2002	)	Group Art Unit:
		)	1646
For:	HOB-BP2H COMPOSITIONS, METHODS AND USES THEREOF	)	Examiner
		)	O Hara, E.
Docket No.:	X-12652	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 5, 2004, Applicants file the following communication.

**Remarks**

Claims 22-39 are pending. Applicants thank the Examiner for renumbering previously submitted, inadvertently misnumbered claims to yield presently pending claims 22-39.

The Examiner issued a restriction requirement between:

Group I, claims 22-39, in so far as they are drawn to polypeptides of SEQ ID NO:3 or 4, nucleic acids encoding such polypeptides, and a method of treating obesity with polypeptide;

Serial No. 09/937,636

Group II, Claim 24, in so far as it drawn to a method of treating obesity comprising administering an antagonist to the polypeptide of group I, and

Group III, Claim 27, in so far as it drawn to a method of treating obesity comprising administering a nucleic acid of group I. Applicants elect, with traverse, to prosecute Group I.

Applicants traverse the restriction requirement on the grounds that the subject matter of the required search is sufficiently small and closely related as to be capable of examination together.

If the Examiner feels that an interview would be helpful to resolve any issues, she is respectfully requested to contact the undersigned agent at the number listed below.

Respectfully submitted,



Thomas E. LaGrandeur  
Agent for Applicants  
Registration No. 51,026  
Phone: 317-651-1527

Eli Lilly and Company  
Patent Division/TEL  
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October 5, 2004

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